



OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Corrigendum

1/2/82-PER

In the Notification of even number dated 26th October, 1983 and the annexure appended thereto, published in the Official Gazette No. 34, Series I, dated 24th November, 1983, relating to the Recruitment Rules for the post of Station Officer at Sr. No. 5, in the Office of the Commandant General Home Guards and Director, Civil Defence, Panaji, the following entry shall be substituted for the existing entry under Col. 7:—

“1. 5'5" in height. Minimum chest 32" and minimum expansion of 2". Ability to run a distance of 100 yards with a load of 10 stones in one minute and should be capable of climbing a rope or a vertical pipe to a height of 8' to 10' from the ground.

2. *Essential:* Intermediate or equivalent examination preferably in Science or Engineering subjects.

3. *Desirable:* Graduate in Science. Candidates will be required to pass the departmental examination on completion of initial training of 6 months and the Station Officer's Course at the National Fire Service College, Nagpur during the period of probation. In the event of a candidate's failure to pass the departmental test/Station Officer's Course, his services are liable to be terminated.

4. Essential educational qualification may be relaxed by the Government in the case of candidate having passed the Station Officer's Course successfully.”

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 2nd February, 1984.

Corrigendum

1/13(2)/76-PER (Vol. II)

In the Notification of even number dated 27th October, 1983, and the Annexure appended thereto, published in the Official Gazette No. 33, Series I, dated 17th November, 1983, relating to the Recruitment Rules for the General Central Service group 'B' Gazetted post of Chief Chemist in the Public Works Department, under the Government of Goa, Daman and Diu, the following corrections should be carried out:—

(i) The sign and the words “(1983) subject to variation dependent on workload” shall be added in Col. 2, under the number “1”.

(ii) The word “Civil” between the words “Central” and “service” in col. 3 and the same word also existing at two places in the aforesaid Notification, shall be deleted.

(iii) The words “with the UPSC” between words “consultation” and “necessary” in col. 13 shall be added.

(iv) The sign and the word “/amending” between the words “relaxing” and “any of” in col. 13 shall be added.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 7th February, 1984.

Home Department (General)

Notification

5/12/82-HD(G)

The below mentioned Notification received from Government of India, Ministry of Shipping & Transport (Transport Wing), New Delhi, is hereby published for general information of the public.

K. N. S. Nair, Under Secretary (Home).

Panaji, 31st January, 1984.

GOVERNMENT OF INDIA
MINISTRY OF SHIPPING AND TRANSPORT
(Transport Wing)

New Delhi, the 29th Sept., 1983.

Notification

No. S. O. 701 (E). In exercise of the powers conferred by sub-section (1) of section 109 C of the Motor Vehicles Act, 1939 (4 of 1939), the Central Government hereby make the Scheme to amend the Solatium Fund Scheme, 1982, namely:—

1. Short title and commencement.—(1) This Scheme may be called the Solatium Fund (Amendment) Scheme, 1983.

(2) It shall come into force with immediate effect.

2. In the Solatium Fund Scheme, 1982;

(i) in sub-clause (c) of clause 2, after the word "State" the words "or such other officer not below the rank of a Sub-Divisional Officer or of a Tehsildar, as may be specified by the State Government" shall be inserted;

(ii) in sub-clause (d) of clause 2, after the word "State" the words "or such other officer not below the rank of a District Magistrate or of a Deputy Commissioner or of a Collector, as may be specified by the State Government" shall be inserted.

Sd/-

(G. J. MISRA)

Joint Secretary to the Govt. of India
(F. No. TW/TGM(28)/82)

Notification

T/11-24/79-HD(G)

Whereas certain draft rules, further to amend the Goa, Daman and Diu Motor Accident Claims Tribunals Rules, 1966, were published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), in the Official Gazette, Series I, No. 34, dated 24-11-1983 under the Notification No. T/11-24/79-HD(G) dated 9-11-1983 of the Government of Goa, Daman and Diu, Home Department (General), inviting objections and suggestions from the persons likely to be affected thereby before the expiry of thirty days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 24th November, 1983;

And whereas no objections and suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by section 111A of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu, hereby makes the following rules so as to further amend the Goa, Daman and

Diu Motor Accident Claims Tribunals Rules, 1966, namely:—

1. Short title and commencement.—(1) These rules may be called the Goa, Daman and Diu Motor Accident Claims Tribunals (Second Amendment) Rules, 1984.

(2) They shall come into force at once.

2. Insertion of new rule 3A.—After rule 3 of the Goa, Daman and Diu Motor Accident Claims Tribunals Rules, 1966 (hereinafter referred to as the "principal Rules"), the following rule shall be inserted, namely:—

"3A. An application for compensation under Chapter VIIA of the Act, shall be made to the Claims Tribunal having jurisdiction over the area in which the accident occurred, in Form CWF of the Schedule appended to these rules and shall contain the particulars specified in that form.".

3. Amendment of rule 4.—In rule 4 of the principal Rules, in sub-rule (1), for the word and figure "rule 3", the words, figures and letter "rules 3 and 3A" shall be substituted.

4. Amendment of rule 7.—In rule 7 of the principal Rules, for the word and figure "rule 3", the words, figures and letter "rule 3 or rule 3A" shall be substituted.

5. Amendment of rule 8.—After rule 8 of the principal Rules, the following proviso shall be added, namely:—

"Provided that the Claims Tribunal shall not reject any application made under Chapter VIIA of the Act on the ground of any technical flaws, but shall give notice to the applicant and get the defect rectified."

6. Amendment of rule 9.—After rule 9 of the principal Rules, the following proviso shall be added, namely:—

"Provided that in case of an application made under Chapter VIIA of the Act, the Claims Tribunal shall give notice to the owner and the insurer, if any, of the vehicle involved in the accident directing them to appear on a date not later than 10 days from the date of issue of notice. The date so fixed for such appearances shall also be not later than 15 days from the receipt of the claim application filed by the claimant. The Claims Tribunal shall state in such notice that in case they fail to appear on such appointed date, the Claims Tribunal shall proceed ex parte on the presumption that they have no contention to make against the award of compensation."

7. Amendment of rule 13.—In rule 13 of the principal Rules, after the first proviso, the following further proviso shall be added, namely:—

"Provided further that verbatim recording of evidence of eye witness shall not be necessary in the case of a claim under Chapter VIIA of the Act."

8. Amendment of rule 18.—After rule 18 of the principal Rules, the following proviso shall be added, namely:—

"Provided that in the case of a claim under Chapter VIIA of the Act, the Claims Tribunal shall proceed to award the claim on the basis of:—

- i) Registration certificate of the motor vehicle involved in the accident;
- ii) Insurance certificate of policy relating to the insurance of the vehicle against Third Party Risks;
- iii) Copy of the first information report;
- iv) Post-mortem certificate or certificates of injury from the Medical Officer;
- v) The nature of the treatment given by the Medical Officer who has examined the victim;

Provided further that the Claims Tribunal shall follow the procedure of summary trial as contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), for the purpose of adjudicating and awarding a claim under Chapter VIIA of the Act;

Provided further that the Claims Tribunal shall dispose of an application made under Chapter VIIA of the Act within 45 days from the date of receipt of such application:

Provided further that the procedure of adjudicating the liability and award of compensation may be set apart from the procedure of disbursement of compensation to the legal heirs in case of death. Where the Claims Tribunal feels that the actual payment to the claimant is likely to take time because of the identification and the fixation of the legal heirs of the deceased, the Claims Tribunal may call for the amount of compensation awarded to be deposited with the Tribunal and then proceed with the identification of the legal heirs for deciding the payment of compensation to each of the legal heirs."

9. Amendment of the Schedule. — In the Schedule appended to the principal Rules, after the FORM COMP. A, the following form shall be inserted, namely:—

"FORM CWF

(See Rule 3 A.)

An application for compensation arising out of accident under Chapter VIIA of the Motor Vehicles Act.

To

The Motor Accident Claims Tribunal,

I, ... son/daughter/wife/widow of ... residing at ... having been injured in motor vehicle accident hereby apply for the grant of compensation for the injury sustained. Necessary particulars in respect of the injury, vehicle, etc., are given below:

I, ... son/daughter/wife/widow of ... residing at ... hereby apply, as a legal representative/agent for the grant of compensation on account of death of Shri/Kumari/Shrimati ... son/daughter/wife/widow of Shri/Shrimati ... who died/was injured, in a motor vehicle accident.

Necessary particulars in respect of the deceased/injured, the vehicles, etc., are given below:

1. Name and father's name of the person injured/dead (Husband's name in the case of married woman and widow).
2. Full address of the person injured/dead.

3. Age of the person injured/dead.
4. Occupation of the person injured/dead.
5. Place, date and time of the accident.
6. Name and address of Police Station in whose jurisdiction the accident took place or was registered.
7. Was the person in respect of whom compensation is claimed travelling by the Vehicle involved in the accident. If so, give the name of place of starting of journey and destination.
8. Nature of injuries sustained, and continuing effect, if any, of the injury.
9. Name and address of the Medical Officer/Practitioner, if any, who attended on the injured/dead.
10. Nature of the injury and whether it caused permanent disablement or not.
11. Registration number and the type of the vehicle involved in the accident.
12. Name and address of the owner of the vehicle.
13. Name and address of the insurer of the vehicle.
14. Number and details of certificate of insurance or the policy of Insurance.
15. Has any claim been lodged with the owner/insurer and if so, with what result.
16. Name and address of the applicant.
17. Relationship with the deceased.
18. Whether he has been paid any compensation out of the Solatium Fund.
19. Any other information that may be necessary or helpful in the disposal of the claim.

I, ... solemnly declare that the particulars given above are true and correct to the best of my knowledge.

Signature or thumb-impression
of the applicant."

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Home).

Panaji, 2nd February, 1984.

Works, Education and Tourism Department

Directorate of Education

ORDER

DE/Acad. I/SEZ/ONS/55/Part.II/335

Whereas a number of complaints from the public of Fatorda Margao were being received by the Department since last two years pointing out illegal activities in the functioning of New English High School Fatorda Margao by the Management in contravention of the provisions of G. I. A. Code,

And whereas a number of complaints against the Management of New English High School Fatorda Margao were being received from the Teachers of the School since last two years regarding irregularities in making appointments, payment of the salary etc. and further alleging that the Management neglected to perform duties and obligations imposed on it under the G. I. A. Code,

And whereas the complaints received from the public and the teachers were enquired into through the Departmental Officers and the complaints were

found to be true, and it was further established that the Management of the School had managed affairs of the School in a manner prejudicial to the public interest.

And whereas the Management of New English High School Fatorda failed to put the School in order academically and Administratively for the last two years inspite of repeated warnings,

And whereas a memorandum No. DE/Acad.I./SEZ/ONS/55(Part.3) 81-83 2370 dtd. 22-8-1983 was served on the Management to show cause as to why the Management of New English High School Margao Goa should not be taken over by the Government in terms of rule 178 of the G. I. A. Code vide Government Order No. DE/Acad.I/Misc/1117//82/34 dated 23-12-1981, published in Official Gazette, Series I, No. 40 dated 31-12-1981,

And whereas the Management made an unsuccessful attempt to justify its action in reply to the show cause vide their letter No. FATD/Samn/NEHS//8/8 dtd. 12-9-1983 and on examination the justification given was found to be contrary to the facts and most unsatisfactory,

Now therefore, the Administrator of Goa, Daman and Diu is pleased to order that the Management of New English High School Fatorda Margao has been taken over by the Government with immediate effect for a period of three years in the first instance under the provision of rule 178 of G.I.A. Code and Shri V.M. Dessai Asstt. Director of Education Panaji Goa has been appointed as an Authorised Officer on behalf of the Director of Education Government of Goa, Daman and Diu and he shall discharge his duties as per the provision of G.I.A. Code. The Administrator is also pleased to order that every person incharge of the Management of New English High School, Fatorda Margao immediately before its Management is taken over, shall deliver possession of School property to secure proper Management to the Authorised Officer.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Kurade, Director of Education and Ex-Officio Additional Secretary to Government of Goa, Daman and Diu.

Panaji, 13th February, 1984.

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Law Department (Legal Advice)

Drafting Section

Notification

LD/1/9/84-(D)

The Industries (Development and Regulation) Amendment Ordinance, 1984 (No. I of 1984), which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 12th January, 1984 as Ordinance No. 1 of 1984, is hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 30th January, 1984.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 12th January, 1984/Pausa 22,
1905 (Saka)

THE INDUSTRIES (DEVELOPMENT AND
REGULATION) AMENDMENT
ORDINANCE, 1984

No. I of 1984

Promulgated by the President in the Thirty-fourth Year of the Republic of India.

An Ordinance further to amend the Industries (Development and Regulation) Act, 1951.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Industries (Development and Regulation) Amendment Ordinance, 1984.

(2) It shall come into force at once.

2. *Amendment of section 3 of Act 65 of 1951.*—In section 3 of the Industries (Development and Regulation) Act, 1951 (hereinafter referred to as the principal Act),—

(i) clauses (aa) and (ab) shall be re-lettered as clauses (ab) and (ac) respectively, and before clause (ab) as so re-lettered, the following clause shall be inserted, namely:—

‘(aa) “ancillary industrial undertaking” means an industrial undertaking which, in accordance with the proviso to sub-section (1) of section 11B and the requirements specified under that sub-section, is entitled to be regarded as an ancillary industrial undertaking for the purposes of this Act;’;

(ii) clause (j) shall be re-lettered as clause (k), and before clause (k) as so re-lettered, the following clause shall be inserted, namely:—

‘(j) “small scale industrial undertaking” means an industrial undertaking which, in accordance with the requirements specified under sub-section (1) of section 11B, is entitled to be regarded as a small scale industrial undertaking for the purposes of this Act;’.

3. *Insertion of new section 11B.*—After section 11A of the principal Act, the following section shall be inserted, namely:—

“11B. Power of Central Government to specify the requirements which shall be complied with by small scale industrial undertakings.—(1) The Central Government may, with a view to ascertaining which ancillary and small industrial undertakings need supportive measures, exemptions or other favourable treatment under this Act to

enable them to maintain their viability and strength so as to be effective in—

(a) promoting in a harmonious manner the industrial economy of the country and easing the problem of unemployment, and.

(b) securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good,

specify, having regard to the factors mentioned in sub-section (2), by notified order, the requirements which shall be complied with by an industrial undertaking to enable it to be regarded, for the purposes of this Act, as an ancillary, or a small scale, industrial undertaking and different requirements may be so specified for different purposes or with respect to industrial undertakings engaged in the manufacture or production of different articles:

Provided that no industrial undertaking shall be regarded as an ancillary industrial undertaking unless it is, or is proposed to be, engaged in—

- (i) the manufacture of parts, components, sub-assemblies, toolings or intermediates; or
- (ii) rendering of services, or supplying or rendering, not more than fifty per cent. of its production or its total services, as the case may be, to other units for production of other articles.

(2) The factors referred to in sub-section (1) are the following, namely:—

- (a) the investment by the industrial undertaking in—
 - (i) plant and machinery, or
 - (ii) land, buildings, plant and machinery;
- (b) the nature of ownership of the industrial undertaking;
- (c) the smallness of the number of workers employed in the industrial undertaking;
- (d) the nature, cost and quality of the product of the industrial undertaking;
- (e) foreign exchange, if any, required for the import of any plant or machinery by the industrial undertaking; and
- (f) such other relevant factors as may be prescribed.

(3) A copy of every notified order proposed to be made under sub-section (1) shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the proposed notified order or both Houses agree in making any modification in the proposed notified order, the notified order shall not be made, or, as the case may be, shall be made only in such mo-

dified form as may be agreed upon by both the Houses.

(4) Notwithstanding anything contained in sub-section (1), an industrial undertaking which, according to the law for the time being in force, fell, immediately before the commencement of the Industries (Development and Regulation) Amendment Ordinance, 1984, under the definition of an ancillary, or small scale, industrial undertaking, shall, after such commencement, continue to be regarded as an ancillary, or small scale, industrial undertaking for the purposes of this Act until the definition aforesaid is altered or superseded by any notified order made under sub-section (1).".

4. *Amendment of section 24.*—In clause (i) of sub-section (1) of section 24 of the principal Act, for the words, brackets, figures and letter "sub-section (2) of section 29B", the words, brackets, figures and letters "sub-sections (2), (2A), (2D), (2F) and (2G) of section 29B" shall be substituted.

5. *Amendment of section 29B.*—In section 29B of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

"(2A) In particular, and without prejudice to the generality of the provisions of sub-section (1), the Central Government may, if it is satisfied, after considering the recommendations made to it by the Advisory Committee constituted under sub-section (2B), that it is necessary so to do for the development and expansion of ancillary, or small scale, industrial undertakings by notified order, direct that any article or class of articles specified in the First Schedule shall, on and from such date as may be specified in the notified order (hereafter in this section referred to as the "date of reservation") be reserved for exclusive production by the ancillary, or small scale, industrial undertakings (hereafter in this section referred to as "reserved article").

(2B) The Central Government shall, with a view to determining the nature of any article or class of articles that may be reserved for production by the ancillary, or small scale, industrial undertakings, constitute an Advisory Committee consisting of such persons as have, in the opinion of that Government, the necessary expertise to give advice on the matter.

(2C) The Advisory Committee shall, after considering the following matters, communicate its recommendations to the Central Government, namely:—

(a) the nature of any article or class of articles which may be produced economically by the ancillary, or small scale, industrial undertakings;

(b) the level of employment likely to be generated by the production of such article or class of articles by the ancillary, or small scale, industrial undertakings;

(c) the possibility of encouraging and diffusing entrepreneurship in industry;

(d) the prevention of concentration of economic power to the common detriment; and

(e) such other matters as the Advisory Committee may think fit.

(2D) The production of any reserved article or class of reserved articles by any industrial undertaking (not being an ancillary, or small scale, industrial undertaking) which, on the date of reservation, is engaged in, or has taken effective steps for, the production of any reserved article or class of reserved articles, shall, after the commencement of the Industries (Development and Regulation) Amendment Ordinance, 1984, or, as the case may be, the date of reservation, whichever is later, be subject to such conditions as the Central Government may, by notified order, specify.

(2E) While specifying any condition under sub-section (2D), the Central Government may take into consideration the level of production of any reserved article or class of reserved articles achieved immediately before the date of reservation, by the industrial undertaking referred to in sub-section (2D), and such other factors as may be relevant.

(2F) Every person or authority, not being the Central Government, who, or which, is registered under section 10 or to whom, or to which, a licence has been issued or permission has been granted under section 11 for the production of any article or class of articles which has, or have, been subsequently reserved for the ancillary, or small scale, industrial undertakings, shall produce, such registration certificate, licence or permission, as the case may be, within such period as the Central Government may, by notified order, specify in this behalf, and the Central Government may enter therein all or any of the conditions specified by it under sub-section (2D), including the productive capacity of the industrial undertakings and other prescribed particulars.

(2G) The owner of every industrial undertaking (not being an ancillary, on small scale, industrial undertaking) which, immediately before the commencement of the Industries (Development and Regulation) Amendment Ordinance, 1984, or the date of reservation, whichever is later,—

(a) was engaged in the production of any article or class of articles, which has, or have, been reserved for the ancillary, or small scale, industrial undertakings, or

(b) had before such commencement or before the date of such reservation, as the case may be, taken effective steps for commencing the production of such reserved article or class of reserved articles,

without being registered under section 10 or in respect of which a licence or permission has not been issued under section 11, shall refrain from the production of such reserved article or class of reserved articles, on and from the date of expiry of three months from such commencement or from the date of such reservation, whichever is later.

(2H) Every notified order made under sub-section (2A) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notified order or both Houses agree that the notified order should not be made, the notified order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notified order.

6. *Validation.* — Notwithstanding anything contained in any judgement, decree or order of any court, tribunal or other authority and notwithstanding anything contained in any other law, agreement or other instrument for the time being in force, every notification made or purporting to have been made by the Central Government under the principal Act, on or after the 19th day of February, 1970, reserving any article or class of articles for production by any ancillary or small scale industrial undertaking or any class of ancillary or small scale industrial undertakings shall, for all purposes, be, and shall be deemed always to have been, as valid and effective as if the amendments made to the principal Act by this Ordinance had been in force at all material times and such notification had been made in full compliance with the provisions made by such amendments and accordingly any reservation made or purporting to have been made by such notification shall, in accordance with the tenor thereof, have, and be deemed always to have had, effect on and from the date of such reservation and shall, until it is altered or superseded by any fresh notification under the principal Act as amended by this Ordinance, continue to have effect.

Explanation. — For the removal of doubts it is hereby provided that no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable if this section had not come into force.

ZAIL SINGH,
President,

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.